

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JASON LEE NIEMAN,  
Plaintiff

Case No. 1:12-cv-402  
Weber, J.  
Litkovitz, M.J.

vs

BETH W. MURPHY,  
Defendant

**ORDER AND REPORT  
AND RECOMMENDATION**

This matter is before the Court on plaintiff motion for leave to amend the complaint, for purposes of, *inter alia*, remedying alleged defects in the original complaint, to supplement the claims therein, and to reflect the dismissal of two previously named defendants (Doc. 12), to which no opposing memorandum has been filed.

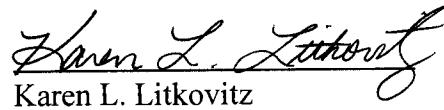
The Court has reviewed the motion and finds the motion well-taken. Accordingly, plaintiff's motion to amend is **GRANTED**.

It is **ORDERED** that plaintiff shall file the amended complaint.

In accordance with the Order entered this date permitting plaintiff to participate in the Court's electronic case filing system, plaintiff shall serve the amended complaint through the Court's electronic case filing system on counsel of record.

It is **RECOMMENDED** that defendant Murphy's motion to dismiss the original complaint (Doc. 6) be **DENIED** as moot.

Date: 9/13/12

  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Jason Lee Nieman  
1700 Windycrest Drive  
Springfield, IL 62704

## A. Signature

**X** Agent Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

## 4. Restricted Delivery? (Extra Fee)

 Yes

7002 3150 0000 8389 9272

## 2. Article Number

(Transfer from service label)

Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004